

### **REMARKS**

In the Office Action, the Examiner rejected claims 1-9, 11-22, and 24-65. Applicants canceled claims 10 and 23 in a previous communication. For at least the reasons set forth below, Applicants respectfully submit that all of pending claims 1-9, 11-22, and 24-65 are allowable in their present form. Consequently, Applicants respectfully request reconsideration of the above-referenced application in view of the following remarks.

#### **Incomplete Action and Improper Finality**

As a preliminary matter, and as discussed in Applicants' last communication, it should be noted that *each claim* is independently patentable and must be addressed individually to properly account for the unique aspects recited therein. In the Office Action, the Examiner provided a blanket rejection that summarily grouped claims 1-9, 11-22, and 24-65 together and provided an incomplete list of various subject matter recited by only some of these claims that does not refer to any of the claims by number. *See* Office Action mailed October 9, 2007, pages 2-4. Upon review, it appears that the present Office Action fails to provide any rationale or support for the rejection of at least claims 11-17, 19, 24, 27, 28, 30, 35-39, 48-55, 64, and 65.

Because the Examiner did not specifically or substantively address the subject matter of a number of these claims, Applicants respectfully assert that the wholesale rejection of claims 1-9, 11-22, and 24-65 is legally deficient in view of 37 C.F.R. § 1.104. Applicants again respectfully remind the Examiner of his duties and obligations under 37 C.F.R. § 1.104 and M.P.E.P. § 707.07, and request that the Examiner clarify his rejection and specifically cite the presently recited features in a future non-final Office Action such that Applicants may have an adequate opportunity to properly respond. Further, as the Examiner has yet to provide even a scintilla of evidence or rationale for numerous claims of the present application, the finality of the Office Action mailed October 9, 2007, is

facially improper. Accordingly, Applicants respectfully request that the finality of the Office Action mailed October 9, 2007, be withdrawn.

### **Request for Interview**

Applicants respectfully request an interview with Examiner Roy and Supervisory Examiner Casler to discuss the present claims, the Schmitt reference, and the failure of the present Office Action to specifically identify what structure of the Schmitt reference, if any, the Examiner believes to be analogous to various recited features of the instant claims, including: “a configuration data distributor of multi-component configuration data” (nothing in the Schmitt reference suggests *distribution* of *configuration* data, rather than identification codes), “a component-specific data extractor of the multi-component configuration data,” or any one of a configuration data receiver, extractor, processor, provider, or broadcaster of *multi-component configuration data*.

Indeed, the rejection in the present Office Action appears to consist largely of allegations that cannot be supported by any reasonable reading of the claims and the Schmitt reference. As discussed below, the Schmitt reference teaches that a control unit may be configured based on the identity of components connected to the control unit. Applicants respectfully submit, however, that the reference does not teach, suggest, or even hint at any structure analogous to the claim recitations noted above. Further, absent some clarification from the Examiner, Applicants cannot be expected to divine or guess which components or devices taught by the Schmitt reference the Examiner believes are analogous to the recited claim features. As such clarification was previously requested by Applicants, but not provided in the recent Office Action (beyond additional unsupported allegations), Applicants believe a telephonic conference between the undersigned representative, Examiner Roy, and Supervisory Examiner Casler would be helpful in advancing prosecution of the instant application.

### **Rejections Under 35 U.S.C. § 102**

In the Office Action, the Examiner rejected claims 1-9, 11-22, and 24-65 under 35 U.S.C. § 102(e) as anticipated by the Schmitt reference (U.S. Patent No. 6,394,353). Because this reference fails to provide each and every element of the present claims, Applicants respectfully traverse this rejection.

### ***Legal Precedent***

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Moreover, the prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

### ***Omitted Features of Independent Claims 1, 22, 31, 44, and 58***

Turning now to the present claims, the Schmitt reference fails to disclose each element of independent claims 1, 22, 31, 44, and 58. For instance, independent claim 1 recites “a dynamic configuration system for the plurality of medical diagnostic components.” Claim 1 also recites that the dynamic configuration system comprises “a configuration data distributor” and “a component-specific data extractor” of *multi-component configuration data*. Further, independent claim 22 recites both “a configuration data provider” and “a configuration data broadcaster” of *multi-component configuration data*. Independent claim 31 recites “a configuration data receiver for a distributable multi-component configuration file” and “a configuration data extractor of the

extractable component-specific application data.” Additionally, independent claim 44 recites “distributing multi-component configuration data comprising extractable component-specific configuration data for a plurality of medical diagnostic components.” Independent claim 44 also recites “extracting the extractable component-specific configuration data ... at each component of the plurality of medical diagnostic components” and “processing the extractable component-specific configuration data extracted at each component.” Additionally, independent claim 58 recites “machine-readable code supported on the medium and comprising a broadcasting multi-component configuration system adapted to provide a multi-component configuration file having extractable component-specific configuration data for a plurality of medical diagnostic components.” Because the Schmitt reference fails to disclose these elements, the cited reference fails to anticipate independent claims 1, 22, 31, 44, and 58.

As will be appreciated by one skilled in the art, the Schmitt reference is directed to a medical system having one or more device components and a control arrangement. Col. 1, lines 8-10. Notably, the Schmitt system includes a number of components, including mounting device 1, radiation receiver 3, mounting plate 5, radiation transmitter 7, and radiation diaphragm 9. Col. 2, lines 14-22. Each of the components 1, 3, 5, 7, and 9 is connected to a respective code reader 2, 4, 6, 8, and 10 that reads a component-specific code of the coupled component. *Id.* The system also includes a control arrangement or unit 11, which sends control signals to, and/or receives status or parameter signals from, the components 1, 3, 5, 7, and 9. Col. 2, lines 22-28. Further, each of the code readers 2, 4, 6, 8, and 10 reads the component-specific code of the component to which it is coupled (i.e., identifies the component) and transmits the code to the control unit 11. *Id.* Schmitt then teaches that the *control unit 11* may be configured based on the identification of the components 1, 3, 5, 7, and 9. Col. 2, lines 28-32; *see also* col. 1, lines 50-53 (“If and when a reconfiguration of the control arrangement becomes necessary, the reconfiguration can be undertaken on the basis of the

code read by the code reader.”); col. 4, lines 5-14 (claiming “said control unit, upon receipt of said code, being reconfigured to control said medical diagnostic procedure differently dependent on said presence of said at least one medical device component.”).

In short, the Schmitt reference discloses, at best, a control unit that may be configured based on the identity of the components (through codes associated with the units) to which it is connected. However, while the Schmitt reference does mention configuration of the *control unit* based on individual device components, the cited reference cannot be reasonably relied upon as disclosing a host of elements recited by independent claims 1, 22, and 31, including: “a configuration data distributor of multi-component configuration data” (nothing in the Schmitt reference suggests *distribution of configuration data*, rather than identification codes), “a component-specific data extractor of the multi-component configuration data,” or any one of a configuration data receiver, extractor, processor, provider, or broadcaster *of multi-component configuration data*. Again, the Schmitt reference merely discloses configuration of a control unit based on identification codes of attached components 1, 3, 5, 7, and 9. The cited reference simply fails to disclose, teach, or even hint at distribution of multi-component configuration data, extraction of component-specific application data from the multi-component configuration data, or any of the other claim recitations noted above.

For similar reasons, the Schmitt reference necessarily fails to disclose “distributing *multi-component* configuration data” or the extracting and processing of such data, as recited by independent claim 44. Likewise, the Schmitt reference cannot be rationally considered to disclose “machine-readable code supported on the medium and comprising a broadcasting multi-component configuration system *adapted to provide a multi-component configuration file having extractable component-specific configuration data* for a plurality of medical diagnostic components” (emphasis added), as recited in independent claim 58. As a result of these numerous and readily apparent deficiencies,

the Schmitt reference cannot support a *prima facie* case of anticipation with respect to independent claims 1, 22, 31, 44, and 58, and their respective dependent claims.

In response to Applicants' previous remarks, the Examiner suggested that the Schmitt reference teaches "a medical diagnostic system with a control arrangement to enable modification of a specific device component by including a code reader allocated to at least one device component controlled by the control component." *See* Office Action mailed October 9, 2007, page 2. Further, the Examiner noted that "the [Schmitt] code reader reads a component-specific code allocated to the device component" and that the cited reference teaches "reconfiguration of the control arrangement based on the code read by the code reader." *See id.* To clarify, the Schmitt reference teaches that a code reader (e.g., code reader 2, 4, 6, 8, or 10) identifies a component (e.g., mounting device 1, radiation receiver 3, mounting plate 5, radiation transmitter 7, or radiation diaphragm 9) and then transmits the identity of the component to the control unit 11. Schmitt, col. 2, lines 14-28. The control unit 11 may then be configured based on the identity of the component. *See id.* at col. 2, lines 28-32.

The Examiner states that this arrangement "clearly anticipates" various features recited in the instant claims. *See* Office Action mailed October 9, 2007, page 2. Applicants, however, respectfully note that each of the code readers 2, 4, *et seq.* only transmits the identity of its associated component; nothing in the Schmitt reference suggests that a code reader distributes configuration data, let alone that one of the code readers somehow distributes configuration data of multiple components of the Schmitt system. As such, the code readers 2, 4, 6, 8, and 10 cannot be logically equated with a "configuration data *distributor* of *multi-component configuration* data" (emphasis added). Further, as the control unit 11 receives individualized identity data from each of the code readers (i.e., each code reader sends the identity of a single component 1, 3, 5, 7, or 9), there does not appear to be any need for the control unit 11 to somehow extract

component-specific data from a larger multi-component data file. Consequently, Applicants again respectfully point out that the Schmitt reference fails to disclose, teach, or suggest each and every element of, and cannot anticipate, the present claims. Further, the Examiner's assertions that the Schmitt control arrangement "results in the same end result as the dynamic configuration system in the present claims" is unfounded, and appears to be based on the incorrect and unsupported assertion that the transmission of individual, component-specific identity data by a code reader is somehow equivalent to the distribution of multi-component configuration data. *See id.* For at least the reasons provided above, such bald assertions are untenable and cannot form the basis for a *prima facie* case of anticipation of the instant claims.

Consequently, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102 and allowance of claims 1-9, 11-22, and 24-65.

### **Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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